



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 6, 2016

Mr. Rick Bottomley
Board President
Valley View Ranches Mutual Water Company
10741 Green Valley Drive
Gilroy, CA 95020

CITATION NO.: 02_17_16C_028
NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION
VALLEY VIEW RANCHES MUTUAL WATER COMPANY, WATER SYSTEM NO. 4300996

Dear Mr. Bottomley:

Enclosed is a citation issued to Valley View Ranches Mutual Water Company (VVRMWC). The citation is issued because the water system failed to comply with Section 64431, Title 22, California Code of Regulations, and permit provisions 2e and 2h of the May 20, 2016 Amended Domestic Water Supply Permit.

If you have any questions regarding this matter, please contact Ryan Thissen at (510) 412-4685.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer
Santa Clara District
Drinking Water Field Operations Branch
Division of Drinking Water

Attachments

cc: Santa Clara County Environmental Health (w/o attachment)

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Valley View Ranches Mutual Water Company
Water System No. 4300996
10741 Green Valley Drive
Gilroy, CA 95020

Attn: Mr. Rick Bottomley
Board President

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64431 AND PROVISIONS 2E AND 2H OF THE MAY 20, 2016
AMENDED DOMESTIC WATER SUPPLY PERMIT
WATER SYSTEM NO. 4300996
C I T A T I O N N O . 02-17-16C-028
Issued on September 6, 2016**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270)(hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Valley View Ranches Mutual Water Company (hereinafter, "VVRMWC" or "Water System")

1 (10741 Green Valley Drive, Gilroy, CA 95020) for violation of California Code of
2 Regulations (CCR), Title 22, Section 64431 and permit provisions 2e and 2h.

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116650 of California Health and Safety Code provides:**

6
7 (a) If the Division determines that a public water system is in violation of this
8 chapter or any regulation, permit, standard, citation, or order issued or adopted
9 thereunder, the Division may issue a citation to the public water system. The citation
10 shall be served upon the public water system personally or by certified mail. Service
11 shall be deemed effective as of the date of personal service or the date of receipt of
12 the certified mail. If a person to whom a citation is directed refuses to accept delivery
13 of the certified mail, the date of service shall be deemed to be the date of mailing.

14 (b) Each citation shall be in writing and shall describe the nature of the violation
15 or violations, including a reference to the statutory provision, standard, order, citation,
16 permit, or regulation alleged to have been violated.

17 (c) A citation may specify a date for elimination or correction of the condition
18 constituting the violation.

19 (d) A citation may include the assessment of a penalty as specified in
20 subdivision (e).

21 (e) The Division may assess a penalty in an amount not to exceed one
22 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each
23 day that a violation continues to occur. A separate penalty may be assessed for each
24 violation.

1 California Code of Regulations, Title 22, Section 64431 provides, in relevant
2 part:

3
4 Public water systems shall comply with the primary maximum contaminant
5 level for nitrate (as nitrogen) of 10. mg/L.
6

7 Domestic Water Supply Permit 02-17-05P-4300996, amended on May 20, 2016,
8 Provision 2e provides, in relevant part:

9
10 All persons responsible for the operation and maintenance of the water system
11 shall be certified in accordance with Sections 63750.1 through 64413.7,
12 inclusive, Title 22, California Code of Regulations. A chief operator licensed at,
13 as a minimum, Grade D1 and T1, shall be responsible for the operation of the
14 Valley View Ranches Mutual Water Company's distribution and treatment
15 system, respectively.
16

17 Domestic Water Supply Permit 02-17-05P-4300996, amended on May 20, 2016,
18 Provision 2h provides, in relevant part:

19
20 All point-of-entry nitrate ion exchange treatment systems shall be owned,
21 controlled, operated and maintained by Valley View Ranches Mutual Water
22 Company and/or a person(s) under contract with Valley View Ranches Mutual
23 Water Company to ensure proper operation, maintenance, monitoring and
24 compliance with this permit and applicable drinking water standards.
25
26
27

1 **STATEMENT OF FACTS**

2 VVRMWC is a community water system, located on Green Valley Drive just north of
3 the City of Gilroy, that provides potable water to approximately 48 residents through
4 16 active service connections. All of the Water System's supply is produced from one
5 active groundwater supply well, Well 02. The Water System also consists of a
6 chlorination facility, one 38,500 gallon concrete storage tank, two booster pumps, six
7 hydropneumatic pressure tanks, distribution system, and sixteen Point of Entry (POE)
8 nitrate ion exchange treatment systems, one at each home. The POE nitrate ion
9 exchange treatment systems each consist of three vessels, a brine tank used for
10 regeneration of the media, and associated piping and controls. The first vessel is
11 used to soften the water while the second and third vessels are used to remove
12 nitrate from the water. The nitrate vessels operate with one vessel online while the
13 other is in regeneration or standby mode.

14
15 To verify the performance of the POE nitrate ion exchange treatment systems and
16 determine compliance with the nitrate (as nitrogen) maximum contaminant level
17 (MCL) of 10. mg/L, VVRMWC is required to collect semi-annual treated effluent
18 samples from each POE nitrate treatment system to be analyzed by a laboratory.
19 VVRMWC collected these samples on July 25, 2016. The samples from the
20 treatment systems at 10739 Green Valley Drive and 10743 Green Valley Drive
21 resulted in nitrate concentrations above the nitrate (as nitrogen) MCL of 10. mg/L, as
22 listed below:

23

Address	Nitrate Concentration (mg/L)
10739 Green Valley Drive	23
10743 Green Valley Drive	12

1 During the investigation of the nitrate MCL failure, the VVRMWC Board President and
2 the Water System's licensed operator both stated that individual homeowners are
3 responsible for conducting much of the ongoing operations and maintenance of the
4 POE nitrate ion exchange treatment systems. Thirteen of the sixteen POE nitrate ion
5 exchange treatment systems are located in garages and the licensed operator has to
6 coordinate with the homeowner to gain access to the treatment system in advance. In
7 the event that field testing indicates that a treatment system is not functioning
8 properly, the licensed operator may not be able to access the treatment system to
9 verify the operational state or to take corrective action. The operator was unable to
10 verify the operational state or take corrective action for the sample located at 10739
11 Green Valley Drive, as the treatment unit was located in a locked garage.

12
13 As a result of the licensed operator not conducting all ongoing operations and
14 maintenance activities, and not having access to the treatment systems to be able
15 verify their operational state or take corrective action, VVRMWC failed to comply with
16 Provisions 2e and 2h of the Amended Domestic Water Supply Permit issued on May
17 20, 2016.

18 19 **DETERMINATION**

20 The Division has determined that VVRMWC failed to comply with the California Code
21 of Regulations, Title 22, Section 64431 and Provisions 2e and 2h of the Amended
22 Domestic Water Supply Permit issued on May 20, 2016.

DIRECTIVES

VVRMWC is hereby directed to take the following actions:

1. Forthwith, VVRMWC shall cease and desist from failing to comply with the California Code of Regulations, Title 22, Section 64431, which specifies that the maximum contaminant level for nitrate (as nitrogen) of 10. mg/L shall not be exceeded in the water supplied to the public.
2. Forthwith, VVRMWC shall cease and desist from failing to comply with Provision 2e of the Amended Domestic Water Supply Permit issued on May 20, 2016, which specifies that all persons responsible for the operation and maintenance of the water system shall be certified in accordance with Sections 63750.1 through 64413.7, inclusive, Title 22, California Code of Regulations. A chief operator licensed at, as a minimum, Grade D1 and T1, shall be responsible for the operation of the VVRMWC's distribution and treatment system, respectively.
3. Forthwith, VVRMWC shall cease and desist from failing to comply with Provision 2h of the Amended Domestic Water Supply Permit issued on May 20, 2016, which specifies that all point-of-entry nitrate ion exchange treatment systems shall be owned, controlled, operated and maintained by VVRMWC and/or a person(s) under contract with VVRMWC to ensure proper operation, maintenance, monitoring and compliance with this permit and applicable drinking water standards.
4. Within 30 days of receipt of this Citation, VVRMWC shall produce and provide to the Division a Corrective Action Plan (CAP). The CAP shall provide the



1 findings of the investigation into what caused the POE nitrate ion exchange
2 treatment systems to fail. The CAP should also specify operational changes
3 that will be made to ensure that the treated water from the POE nitrate ion
4 exchange treatment systems meet the nitrate (as nitrogen) maximum
5 contaminant level at all times, and that Provisions 2e and 2h from the
6 Amended Domestic Water Supply Permit, issued on May 20, 2016, are met at
7 all times. These operational changes will include, at a minimum, requiring a
8 licensed operator to conduct all ongoing operations and maintenance of the
9 treatment systems to ensure proper operations, and increasing the field
10 sampling of all POE nitrate ion exchange treatment systems from quarterly to
11 monthly.

- 12
- 13 5. Within 30 days of acceptance by the Division of the CAP described in Directive
14 2, VVRMWC shall produce and provide an Operations and Maintenance
15 Manual which incorporates the operational changes identified in the CAP.
16
- 17 6. Within 10 days of receipt of this Citation, conduct system-wide public
18 notification for the nitrate (as nitrogen) MCL failure. The notification shall be
19 hand delivered or mailed to all of the homes in the Water System. A sample
20 notification, which can be used by VVRMWC, is included as Attachment No. 1
21 to this Citation. An electronic version of the notification will be provided to
22 VVRMWC so required contact information can be added prior to issuance.
23
- 24 7. Within 20 days of receipt of this Citation, VVRMWC shall provide to the
25 Division certification of public notification using the enclosed form (Attachment
26 No. 2). A copy of the notice shall be attached to the certification form.

1 8. Within 10 days of receipt of this Citation, VVRMWC shall submit a written
2 response to the Division indicating its willingness to comply with the Directives
3 of this Citation.
4

5 The Division reserves the right to make such modifications to this Citation as it may
6 deem necessary to protect public health and safety. Such modifications may be
7 issued as amendments to this Citation, and shall be deemed effective upon issuance.
8 Nothing in this Citation relieves VVRMWC of its obligation to meet the requirements of
9 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
10 issued or adopted thereunder.
11

12 All submittals required by this Citation shall be submitted to the Division at the
13 following address:

14
15 Mr. Eric Lacy, P.E.
16 District Engineer, Santa Clara District
17 Division of Drinking Water
18 State Water Resources Control Board
19 850 Marina Bay Parkway
20 Building P, 2nd Floor
21 Richmond, CA 94804-6403
22

23 **PARTIES BOUND**

24 This Citation shall apply to and be binding upon VVRMWC, its officers, directors,
25 shareholders, agents, employees, contractors, successors, and assignees.
26

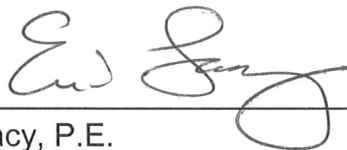
27 **SEVERABILITY**

28 The Directives of this Citation are severable, and VVRMWC shall comply with each
29 and every provision thereof, notwithstanding the effectiveness of any other provision.

1
2 **FURTHER ENFORCEMENT ACTION**

3 The California SDWA authorizes the Board to: issue citation with assessment of
4 administrative penalties to a public water system for violation or continued violation of
5 the requirements of the California SDWA or any permit, regulation, permit or order
6 issued or adopted thereunder including, but not limited to, failure to correct a violation
7 identified in a citation or compliance order. The California SDWA also authorizes the
8 Board to take action to suspend or revoke a permit that has been issued to a public
9 water system if the system has violated applicable law or regulations or has failed to
10 comply with an order of the Board; and to petition the superior court to take various
11 enforcement measures against a public water system that has failed to comply with
12 violates an order of the Board. The Board does not waive any further enforcement
13 action by issuance of this citation.
14

15
16 September 6, 2016
17 Date

15 
16 _____
17 Eric Lacy, P.E.
18 District Engineer
19 Division of Drinking Water
20 State Water Resources Control Board
21

22 Attachments

23 Certified Mail No. 7015 1730 0000 9907 7428
24
25
26
27
28

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING

Valley View Ranches Mutual Water Company has high levels of
nitrate

**DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA**

Water sample results received on August 22, 2016 showed nitrate levels of 23 milligrams per liter and 12 milligrams per liter for two homes within the Valley View Ranches Mutual Water Company. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

Water sampling results received on August 22, 2016 showed that two homes in the community had nitrate levels that exceeded the maximum contaminant level. The water system is still investigating what caused the Point of Entry (POE) nitrate treatment systems at these two homes to fail. The water system is taking actions to try to ensure that failures like this do not happen in the future. These actions include changing operations and maintenance procedures and increasing field sampling frequency.

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Valley View Ranches Mutual Water Company.

State Water System ID#: 4300996 Date distributed: _____.

INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

ADVERTENCIA SOBRE EL AGUA POTABLE

El agua de Valley View Ranches Mutual Water Company tiene
altos niveles de nitratos

**NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES O A
MUJERES EMBARAZADAS. TAMPOCO USE ÉSTA AGUA
PARA PREPARAR FORMULA INFANTIL**

Los resultados de las pruebas del agua recibidas el August 22, 2016 mostraron niveles de nitrato de 23 milligrams per liter and 12 milligrams per liter. Estos niveles exceden el estándar o nivel máximo de contaminante (MCL) de 10 miligramos por litro. Los nitratos en el agua potable son una preocupación seria en bebés menores de seis meses.

¿Qué debe hacer?

- **NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES.** *Los bebés menores de 6 meses que toman agua con nitrato en exceso del nivel máximo de contaminante (MCL), se pueden enfermar seriamente y rápidamente. Y si los bebés no reciben atención médica, pueden morir debido a que los altos niveles de nitratos pueden interferir con la capacidad de la sangre de los bebés para transportar oxígeno. Los síntomas incluyen falta de aire y coloración azulada de la piel. Los síntomas en los bebés se pueden desarrollar rápidamente y la salud se deteriora en cuestión de días. Si hay síntomas de intoxicación por altos niveles de nitratos, busque atención médica de inmediato.*
- **LAS MUJERES EMBARAZADAS NO DEBEN CONSUMIR AGUA CON ALTOS NIVELES DE NITRATOS.** *Los altos niveles de nitrato también pueden afectar la capacidad de la sangre de mujeres embarazadas para transportar oxígeno.*
- No use agua de la llave para preparar jugo, agua, y formula para bebés menores de 6 meses. Use agua embotellada u otra agua baja en nitratos para los bebés menores de 6 meses hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar reposar el agua, no reduce el nivel de nitratos. Hervir el agua en exceso puede causar que los nitratos se concentren más, porque los nitratos se quedan cuando el agua se

evapora.

- Si tiene otros problemas de salud por el consumo de ésta agua, usted debería consultar con su doctor.

¿Qué sucedió? ¿Qué se está haciendo al respecto?

El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agrícolas (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

Water sampling results received on August 22, 2016 showed that two homes in the community had nitrate levels that exceeded the maximum contaminant level. The water system is still investigating what caused the Point of Entry (POE) nitrate treatment systems at these two homes to fail. The water system is taking actions to try to ensure that failures like this do not happen in the future. These actions include changing operations and maintenance procedures and increasing field sampling frequency.

Para más información, por favor contacte a [name of contact] al [phone number] o [mailing address]

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

Requisitos de Notificación Secundaria

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.
- DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES: Deben notificar a los empleados de los negocios situados en la propiedad.

Este aviso es enviado por Valley View Ranches Mutual Water Company.

Núm. de Identificación del Sistema Estatal de Agua: 4300996

Fecha de distribución: _____.

PROOF OF NOTIFICATION

Citation Number 02-17-16C-028
Valley View Ranches Mutual Water Company
System Number 4300996

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Valley View Ranches Mutual Water Company of the nitrate maximum contaminant level violation of Section 64431, Chapter 15, Title 22, California Code of Regulations for the compliance period of July 2016, and of the permit provision violations.

I complied with the directives of this citation as indicated below:

Required ActionDate Completed

1. Public notification via mail and/or hand delivery

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION. A COPY OF THE MAILED AND/OR DELIVERED NOTIFICATION MUST BE ATTACHED TO THIS FORM

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.